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MONTANA PROSECUTOR

February, 1977 1230 Eleventh Avenue, Helena, Montana 59601 Volume 1 No. 2

APR 1 '77
STATE DOCUMENTS

MCAA LEGISLATION 1977:

THE FOLLOWING IS A LIST OF LEGISLATION SPONSORED BY THE MONTANA

COUNTY ATTORNEYS ASSOCIATION FOR THE '77 SESSION:

AN ACT AMENDING Section 94-6-314, R.C.M. 1947, to include concealment of merchandise; repealing Section 95-611.2, R.C.M. 1947. This bill is being sponsored by Senator Tom Hager from Yellowstone County; and, the bill has not yet received a senate bill number.

AN ACT AMENDING Section 94-6-104, R.C.M. 1947, to make the destruction of property by fire or explosives with the intent to defraud an insurance company a crime under state law. This bill is being sponsored by Senator Bob Brown of Flathead County; and, the bill has not a yet received a senate bill number.

AN ACT TO AUTHORIZE the imposition of fines for felony convictions. This bill is being sponsored by Senator Bob Brown of Flathead County; and, the bill has not as yet received s senate bill number.

AN ACT AMENDING Section 32-2141, .R.C.M. 1947, providing for the alternative of court imposed treatment as an alternative to jail sentencing for driving while intoxicated. This bill is being sponsored by Representative Hal Harper of Lewis and Clark County; and, has been designated as HB 251. The bill was heard by the house judiciary committee on January 24, 1977 and no action has been taken on it at this time.

AN ACT PROVIDING for the destruction of weapons seized under Section 94-8-210, R.C.M. 1947, and providing for a penalty to be imposed upon persons previously convicted of a felony who are found guilty of carrying concealed weapons and adding "sawed off shotgun" to Section 94-8-210, R.C.M. 1947. This bill is being sponsored by Representative Pete Gilligan of Cascade County; and has not as yet received a house bill number.

AN ACT AMENDING Section 95-1505, R.C.M. 1947, providing that a charge may be amended once in matters of substance not less than 15 days before trial. This bill is being sponsored by Representative Scully of Gallatin County and has been assigned HB 280. The house judiciary committee heard evidence on the bill on January 25, 1977. No action has been taken as yet.

AN ACT TO AUTHORIZE the use of video tape equipment to record the testimony of the victim in a case arising under Section 94-5-503, R.C.M. 1947, 'Sexual Assault without Consent'. This bill is being sponsored by Representative Bob Palmer of Missoula; and, has not as yet received a house bill number.

AN ACT AMENDING Section 94-6-311, R.C.M. 1947 to include 'weapon' in the Section and creating a presumption that possession of such a machine or weapon was obtained knowingly. This bill is being sponsored by Representative Pete Gilligan and has been assigned HB 291. The bill was heard by the House judiciary committee on January 25, 1977. No action has been taken as yet.

AN ACT AMENDING Section 54-133, R.C.M. 1947, making the first two convictions for one ounce or less of marijuana or one gram of hashish a misdemeanor. This bill is being sponsored by Senator Joe Roberts of Lincoln County and has been assigned SB 255.

The County Attorney pay bill will be sponsored by Representative William Menehan and has not as yet received a house bill number.

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NATIONAL PROSECUTION STANDARDS

Standards developed by prosecutors for prosecutors. Sections address administrative functions, procedural processes, and criminal justice relations. Black-Letter Standards present the positions of NDAA's Task Forces, followed by detailed commentaries explaining each position. Related Standards of ABA & NAC follow each topic. A document for up-grading the prosecution function. ORDER NOW! A Limited Supply at $15.00.

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CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION
NATIONAL HOMICIDE SYMPOSIUM PUBLICATIONS

Your National Homicide Symposium last week was an outstanding success. Everyone I spoke with indicated their appreciation with the program, its excellent organization and the handout materials.

Edward D. Thirkell
Thirkell, Pierpoint & Kemp
San Mateo, California

This most recent event was simply outstanding. The speakers were excellent and the scope of the program was tremendous.

Joseph Peter Meyers
Attorney at Law
Riverside, California

. . . the assembly of this giant volume in so short a time was wizardry, a monumental task well done; justice may move slowly, but not, apparently, lawyers.

George Comstock
Rand Corporation
Santa Monica, California

The National Homicide Symposium, conducted October 26-30 at The Fairmont in San Francisco, has been recognized by all that attended as an exceptional program. Attendees came from all across America to hear presentations by 33 faculty members of national renown. It was certified by the California State Bar Board of Criminal Specialization. Just as the live presentations were outstanding, so too were the written materials distributed. There remains a limited number of those written materials, which will be available for a limited time only. Order now. (This program received Certification by the California Commission on Police Officer Standards and Training.)

CDAA BINDER — $30.00
Contains individual written presentations on all topics covered at the Symposium; most were prepared by the Faculty.

Homicide Investigations: A Syllabus — $6.00
Contains materials on "General Felony Checklist," "Identification," and "Homicide," from the **Uniform Crime Charging Manual**, and "Prosecutor Homicide Duty: A Successful Working Model in California," and "Prosecutor Homicide Duty: Court Use of its Fruits," from **The Prosecutor**.

Homicide Bibliography — $6.00
Contains a comprehensive, abstracted bibliography of national homicide reference materials.

Murder & Madness — $5.00
By Dr. Donald Lunde
Contains information on the nature and magnitude of the national homicide epidemic facing America.

Coping with Psychiatric and Psychological Testimony — $20.00
By Dr. Jay Ziskin
Contains every necessary tool to expose the fallacy of psychiatric and psychological evidence in the criminal justice system.

The Courts and the News Media — $2.00
By Albert J. Pickerell, Ph.d. and Michel Lipman, J.D.
Contains a review of the often competing interests of two very essential pillars of the American System.

CDAA Art Prints
Man & Memories — $12.50
Areopagitica Revisited — $12.50

CALIFORNIA
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ASSOCIATION
555 Capitol Mall, Suite 1545
Sacramento, California 95814

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_____	(CDAA Art Print) Areopagitica Revisited	_____
_____	The Courts and the News Media	_____

SEMINARS AND CONVENTIONS

ATTENTION!!!!! The following is the schedule for the 1977 training year at the Montana Law Enforcement Academy. The Academy is once again calling upon the expertize of Association members in presenting another year of training. The following list is a class schedule of subjects taught by the MCAA in the basic school.

The Academy is utilizing a pre-test program in all Basic Schools. In order to update their pre-test program, they request that all Academy Instructors submit a current lesson plan and provide approximately three (3) questions for each hour of instruction. Questions submitted should be multiple choice and true and false. These questions will be used in pre-test, weekly tests, and final exams.

PLEASE FILL OUT AND RETURN THE "INSTRUCTIONAL MATERIALS" FORM AT YOUR EARLIEST CONVIENCE!!! Please send the form to the Coordinator's office and I will in turn forward a copy to the Academy.

Thank you for your cooperation.

Basic 23

Thursday, March 3, 1977

8:15 - 12:00 noon Montana Codes

April 4, 1977

1:00 - 5:00 p.m. Case Preparation and Courtroom Demeanor

Thursday, April 7, 1977

8:00 - 10:00 a.m. Preparation for Moot Court

10:00 - 12:00 noon Moot Court

1:00 - 5:00 p.m. Moot Court

Basic 24

Thursday, April 21, 1977

8:15 - 12:00 noon Montana Codes

Monday, May 32, 1977

1:00 - 5:00 p.m. Case Preparation and Courtroom Demeanor

Thursday, May 26, 1977

8:00 - 10:00 a.m. Preparation for Moot Court

10:00 - 12:00 noon Moot Court

1:00 - 5:00 p.m. Moot Court

Basic (Tentative)

Thursday, June 16, 1977

8:15 - 12:00 noon Montana Codes

July 18, 1977

1:00 - 5:00 p.m. Case Preparation and Courtroom Demeanor

Thursday, July 21, 1977

8:00 - 10:00 a.m. Preparation for Moot Court

10:00 - 12:00 noon Moot Court

1:00 - 5:00 p.m. Moot Court

Basic 25

Thursday, August 4, 1977

8:15 - 12:00 noon Montana Codes

September 6, 1977

1:00 - 5:00 p.m. Case Preparation and Courtroom Demeanor

Thursday, September 8, 1977

8:00 - 10:00 a.m. Preparation for Moot Court

10:00 - 12:00 noon Moot Court

1:00 - 5:00 p.m. Moot Court

Basic 26

Thursday, September 29, 1977

8:15 - 12:00 noon Montana Codes

Monday, October 31, 1977

1:00 - 5:00 p.m. Case Preparation and Courtroom Demeanor

Thursday, November 3, 1977

8:00 - 10:00 a.m. Preparation for Moot Court

10:00 - 12:00 noon Moot Court

1:00 - 5:00 p.m. Moot Court

INSTRUCTIONAL MATERIALS

Instructor's Name_____

Course Title_____

Dates course to be conducted_____

Visual Equipment: (check if needed)

16mm Projector _____
35mm Slide Projector _____
Overhead Projector _____
Screen _____
Black Board, prtbl. _____
Tape Recorder _____

Training Films:

	Titles	Dates Needed
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Handouts:

	Titles	Number of Copies
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

NOTE: Handouts to be duplicated, please enclose copy and number of copies needed.

Misc. materials or equipment:

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2._____
3._____
4._____
5._____

Announcing . . .

Northwestern University's Thirty-second Annual

Short Course
for
PROSECUTING ATTORNEYS

August 1 thru 5, 1977

Chicago, Illinois

Experienced Prosecuting Attorneys and other Authorities will discuss—

- Recent Developments in the Law of Arrest, Search and Seizure — Confessions — Eye-Witness Identifications — Severances — Discovery of Prosecution and Defense Evidence
- Scientific Crime Detection Techniques: Determining the Cause of Death in Suspected Homicide Cases — The Polygraph ("Lie-Detector") Technique — Document Examination — Fingerprint Identification —Firearms and Tool Mark Identifications —Microscopy—Voice Prints
- Plea Bargaining
- Trial Techniques: Case Investigations — Preparation for Trial—Selection of Jurors — Opening Statements — Direct Examination—Cross-Examination—Impeachment — Psychiatric Testimony — Closing Arguments
- The Prosecution of Drunk Driving Cases
- Tactics and Techniques for the Interrogation of Criminal Suspects

and

Other Subjects of Importance to Prosecuting Attorneys

Special Evening Seminars will be conducted (a) on Management Problems and Improvement Techniques of Prosecution Offices, and (b) for Military Personnel

---

Air-Conditioned Meeting Rooms

Attendance fee: $225.00

Course Director: Professor *Fred E. Inbau*
Associate Director: Professor *James B. Haddad*

(State or federal funds are usually available to defray the cost of attendance.)

Miss Marie D. Christiansen
Administrator
Northwestern University School of Law
357 East Chicago Avenue
Chicago, Illinois 60611

Telephone: (312) 649-8467

I am interested in attending the Thirty-second Annual Short Course for Prosecuting Attorneys to be conducted by Northwestern University School of Law during the five-day period August 1 thru 5, 1977. Please send me a copy of the printed program when it becomes available, as well as any other necessary information.

Name_____
(Please Print)

Address_____

_____
Zip Code

(Printed Programs will be available on May 1, 1977)

TWO CONFERENCES

PRESENTED BY

THE NATIONAL COUNCIL OF JUVENILE COURT JUDGES AND THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION

LOS ANGELES — FEBRUARY 6-10, 1977

ORLANDO — MARCH 20-24, 1977

MONDAY

9:00 a.m. -- 10:45 a.m.

GENERAL SESSION

1. Are Juvenile Corrections Programs Effective: A Pro and Con Discussion.

What is the performance record of juvenile correctional programs? What works in intervention programs? Is the rehabilitation model outmoded? Does differential treatment have any significant place? What grounds exist for either optimism or pessimism? A review of the Martinson challenge

11:00 a.m. — 12 00 Noon

Participant Feadback

An opportunity for participants to question and contribute to the discussion of correctional program effectiveness.

12:00 Noon — 1:30 p.m.

COMPLIMENTARY LUNCH

1:30 p.m. — 3:00 p.m.

SEMINARS

2. Judges' Caucus

A caucus of judges, commissioners, masters and referees in attendance. What are current issues for the juvenile court judiciary? What special problems exist? How can this conference contribute to improved role performance?

3. Prosecutors' Caucus

A caucus of prosecutors and other lawyers in attendance. What special problems do prosecutors and other lawyers confront in juvenile court? How are prosecutor offices gearing up to the increased involvement of the prosecutor in juvenile court? How can this conference contribute to improved role performance?

4. Police Caucus

A caucus of police and other law enforcement officials in attendance. What special problems do police juvenile officers currently confront? What recommendations do police officers have for delinquency prevention and control? How can this conference contribute to improved functioning?

5. Educators' Caucus

A caucus of teachers, counselors, principals, superintendents and other educators in attendance. How do the educational and juvenile justice systems interface? What help do schools require from juvenile justice system personnel? In what area are schools better equipped to deal with school related problems themselves? How can this conference contribute to improved functioning?

6. Corrections Caucus

A caucus of juvenile probation and corrections officers in attendance. What are corrections workers' attitudes regarding the effectiveness of correctional programs? What unique problems confront juvenile corrections workers? How can this conference contribute to improved functioning?

3:15 p.m — 5:00 p.m.

SEMINARS

7. Parens Patriae and Due Process: Is There A Conflict?

What is the definition of parens patriae? Does the doctrine of parens patriae ever mean the departure from constitutional requirements? What place does "best interests of the child" have in this discussion? What role does the prosecutor have in the parens patriae doctrine? Are parens patriae and due process mutually exclusive?

8. The Role of the School Counselor in Delinquency Prevention

What are standards for school counselors in elementary and secondary schools in the United States? Can school counselors concentrate sufficiently on behavioral problems? What programs and projects exist for recognition and treatment of youths with behavioral problems? What is the relationship of the counselors to teachers?

9. Innovative Police Programs for Youth

What police sponsored programs currently exist in both delinquency prevention and delinquency control? A review of programs including police-school liaison, police youth employment enterprises, group recreation projects, and hard core youth projects. What works? Are small police departments handicapped in implementing such programs?

10. Juvenile Justice Information Systems and Data Collection: An Assessment.

To what extent do juvenile courts and agencies have automated data processing systems? What are characteristics of successful and not so successful operations? What potential do automated information systems have for juvenile justice, especially in research and data collection? Are automated systems cost effective?

8:00 p.m. — 9:00 p.m.

11. Film Festival

A presentation of recently released films pertinent to juvenile justice, particularly youth violence

TUESDAY

9:00 a.m. — 10:30 a.m.
SEMINARS

12. Parental vs. Children's Rights

What are rights and responsibilities unique to children? Which are rights and responsibilities unique to parents? Are there potential and real problem areas in the law between children and parents? How is there potential conflict in a youth's practice of religion, choice of hair length, curfew observance, medical treatment, running away, and emancipation? What about parental liability laws?

13. Children in Placement: What Happens to Them?

How many children are annually placed in foster homes and institutional placement either by the court or by voluntary agreement? What happens to children and youth so placed? How can permanency in placement be expedited by a review process? What is the role of the juvenile court in such a review?

14. Handling the Disruptive Student

What causes disruptive and acting out behavior by youths in school? How can a teacher best respond to disruptive behavior? What are the alternative means for dealing with students with behavioral problems? When should a teacher or a school consider a referral for outside intervention?

15. The Role of Police with Juvenile Gangs

How great a problem are juvenile gangs, especially in our country's larger cities? What methods have been used historically by the police to respond to juvenile gang troubles? How are police departments currently responding to gang difficulties? To what extent can other intervention agents prove helpful?

16. Comparative Juvenile Justice Systems in Other Countries

How does the volume and type of youth crime in other countries compare with that of the United States? Are there similar juvenile justice systems operational in other countries? What differences in approaches of other countries might be appropriately applied in this nation? Are there significant differences in developing and developed countries?

10:45 a.m. — 12:00 Noon
SEMINARS

17. Procedure and Evidence in Juvenile Court

Are there unique procedural features in the juvenile court which are distinct from criminal court? Does the social report pose any problems? Is hearsay more problematic? What are considerations concerning evidence in the dispositional hearing?

18. Treating the Delinqent's Parents

Does the juvenile court have jurisdiction in most states to compel the involvement of parents of an adjudicated delinquent in a parent's program? What exists for parents in both juvenile court programs and institutional programs? How do youths' respond to their parents' involvement in treatment? What should be the role of juvenile courts and agencies in development of parenting programs in the community?

19. The Police and Juvenile Confessions

What special considerations must police keep in mind in the questioning of juveniles? Is the presence of a parent at the time of a juvenile's confession sufficient for later admission of a confession? What are recommended guidelines for police in the questioning process? To what extent do youths understand the Miranda warnings?

20. The Effect of Labeling on Delinquency Causation

What effect do labeling and classification systems have upon children? Do certain designations almost guarantee a self fulfilling, negative prophecy? What are recommendations against harmful effects of labeling? What reasons are there for retaining any classification systems? What did the Vanderbilt study find on categories, labels, and their consequences?

12:00 Noon — 1:30 p.m.
COMPLIMENTARY LUNCH

2:30 p.m. — 5:00 p.m.

21. Optional Tour

8:00 p.m. — 9:00 p.m

22. Film Festival

Presentation of recently released films pertinent to the juvenile justice field, particularly in child abuse and incest.

WEDNESDAY

9:00 a.m. — 10:45 a.m.
MAJOR SESSIONS

23. Cultism, Mind Control and American Youth

To what extent are children and youths involved in recent religious cult movements in this country? Are youths some times coerced into remaining with a cult movement? How are parental and child rights and conflicts resolved? What about freedom of religion? Do parents have other recourse besides arranging the kidnapping of their own children?

24. Juvenile Justice Standards: Highlights and Ramifications

What is the status of the major standards projects in juvenile justice? What major recommendations are contained in the standards? How will the standards become approved, promulgated and implemented? Will juvenile justice professionals have opportunity for further input?

11:00 a.m. — 12:00 Noon

Participant Feedback

An opportunity for participants to question and contribute to the discussions in each of the two respective major sessions.

12:00 Noon — 1:30 p.m.
COMPLIMENTARY LUNCH

1:30 p.m. — 3:00 p.m.
SEMINARS

25. A Report on the Deinstitutionatization Effort

Why have some states refused participation in the juvenile justice act program? What has been the situation with those states opting for participation and for deinstitutionalization? How is deinstitutionalization defined? What progress has been made in eliminating confinement of juveniles in jails?

26. The Police and the Detention Question

Is the recommendation of police officers sufficiently taken into account in the decision to detain? What are the criteria for detention? Are police justified in their oft voiced complaint that juveniles are released prior to the time their report is written? How do detention hearings relate to the question?

27. A Prosecutorial Accountability System for Juvenile Dispositions

How can the prosecutor decrease any time lag between court referral, petition filing and case disposition? What is the rapid referral and monitoring system? How does it work? Should there be mandatory conferences between the defense counsel and prosecutor prior to a child's hearing?

28. Effective Decision Making by Probation Officers

What are the types and numbers of decisions made by probation officers? What are considerations and priorities regarding such decisions? How can probation officers make better informed and more effective decisions? What are the consequences of some decisions?

3:15 p.m. — 5:00 p.m.
SEMINARS

29. The Moral Development Movement and Delinquency Prevention

What is the non-sectarian moral development movement? Where has the moral development movement been utilized in school systems? How has it worked? What is the potential for moral development in delinquency prevention and control programs?

30. Radical Non-Intervention: A Review

What is the non-intervention theory? Is the best course of action sometimes no action? How does the non-intervention approach relate to protection of the public? Are there occasions when the juvenile justice system itself actually contributes to delinquency causation?

31. Focus on Youth

How does the juvenile consumer view the cause of delinquency? In the consumer's view, what programs work? What does the juvenile consumer value in a juvenile justice professional? A panel of juvenile consumers discuss the issues.

32. The Need to Discover Child Abuse vs. The Right to Privacy

Has the best intentioned program of salvaging battered children transformed into a threat to our civil liberties? To what extent should there be mandatory reporting of suspected child abuse? What are appropriate guidelines in reporting cases? Are newly developed data banks, registries and a new influx of child protective workers all positive developments?

THURSDAY

9:00 a.m. — 10:45 a.m.
GENERAL SESSION

33. Mandatory Dispositions vs. Judicial Discretion

Is there a case for the determinate versus the indeterminate sentence or disposition? Does the determinate disposition limit individualization? Does the indeterminate disposition stimulate excessive discretion and disparities? Should there be automatic waiver to criminal court for certain offenses? Should state youth authorities have any role in the length of placement in institutions or other state programs? What do the standards say? How does the adult system respond to the question? Will the judge become a rubber stamp?

11:00 a.m. — 12:00 Noon

Participant Response

An opportunity for participants to question and contribute to the discussion regarding dispositions and judicial discretion.

12:00 Noon
ADJOURN

SITE INFORMATION

While this conference will be as in past years, a working conference, participants may wish to avail themselves of other opportunities at each site.

LOS ANGELES **February 6-10, 1977**

In Los Angeles, in addition to the attractions of the striking new Bonaventure Hotel itself, participants will find themselves close to Universal Studios, Knotts Berry Farm, Disneyland, the Queen Mary, and a host of other attractions.

ORLANDO **March 20-24, 1977**

The Orlando Hyatt House is located just five minutes from the Disneyworld entrance. Within driving distance is Sea World, Cypress Gardens, and the Kennedy Space Center.

FACULTY

Judge Margaret C. Driscoll, President, National Council of Juvenile Court Judges, Bridgeport, Connecticut
Roger Rook, President, National District Attorneys Association, Oregon City, Oregon
Judge Lindsay G. Arthur, Past-President, National Council of Juvenile Court Judges Minneapolis, Minnesota (Los Angeles Only)
David W. Bahlmann, Esq., Director, Youth Services, Indiana Bar Association, Indianapolis, Indiana
Harold K. Becker, D. Crim., Department of Criminal Justice, California State University, Long Beach, California
Douglas J. Besharov, Esq., Director, National Center on Child Abuse and Neglect, Children's Bureau, HEW, Washington, D.C. (Orlando Only)
Lawrence A. Boxerman, Director of Systems and Technology, National Council of Juvenile Court Judges, Reno Nevada
Judge Frederica S. Brenneman, Connecticut Juvenile Court, Hartford, Connecticut (Los Angeles Only)
Judge James W. Byers, President-Elect, National Council of Juvenile Court Judges, Green Bay, Wisconsin
Ronald H. Clark, Senior Deputy, King County Prosecuting Attorney's Office, Seattle, Washington
Maurice M. Dore, Assistant State's Attorney in Charge, Juvenile Division, Chicago, Illinois
Stephen Duncan, Interim Director, Delinquency Control Institute, School of Public Administration, University of Southern California, Los Angeles, California (Los Angeles Only)
Robert Eagan, States Attorney, 9th Judicial Circuit, Orlando, Florida (Orlando Only)
F. Emmett Fitzpatrick, District Attorney, Philadelphia, Pennsylvania
David Gilman, Director, Juvenile Justice Standards Project, New York, New York
Tony Guarna, Chief Juvenile Probation Officer, Montgomery County, Norristown, Pennsylvania
Paul H. Hahn, Chairman, Corrections Department, Xavier University, Cincinnati, Ohio
Alexander A. Hawkins, Ph.D., Chairman, Juvenile and Adult Criminal Justice Cluster, School of Social Work, University of Social Work, University of Pittsburgh, Pittsburgh, Pennsylvania
Judge Edward V. Healey, Jr., Past-President, National Council of Juvenile Court Judges, Providence, Rhode Island (Orlando Only)
Judge William P. Hogoboom, Presiding Judge of the Superior Court, Los Angeles, California (Los Angeles Only)
John L. Hutzler, Legal Officer, National Center for Juvenile Justice, Pittsburgh, Pennsylvania
Mary Kaaren Jolly, Editorial Director and Chief Clerk, United States Subcommittee to Investigate Juvenile Delinquency, Washington, D.C. (Orlando Only)
Delos H. Kelly, Ph.D., Department of Sociology, California State University, Los Angeles, California (Los Angeles Only)
Robert F. Leonard, President-Elect, National District Attorneys Association, Flint, Michigan
Judge Jean L. Lewis, Circuit Court Judge, Portland, Oregon (Los Angeles Only)
Judge James H. Lincoln, Past-President, National Council of Juvenile Court Judges, Detroit, Michigan (Orlando Only)
William Lucas, Sheriff, Wayne County, Detroit, Michigan
Judge Thomas J. Malik, District Court, Edgard, Louisiana (Orlando Only)

Lt. Mike Markulis, Gang Activities Section, Investigative Support Division, Los Angeles Police Department, Los Angeles, California (Los Angeles Only)
Robert Martinson, Director, The Center for Knowledge in Criminal Justice Planning, New York, New York
Adah Maurer, Ph.D., Editor, End Violence Against the Next Generation, Inc., Berkeley, California (Los Angeles Only)
Jane Mercer, Ph.D., Professor of Sociology, University of California at Riverside, Riverside, California (Los Angeles Only)
Judge John R. Milligan, Jr., Family Court, Stark County, Canton, Ohio (Los Angeles Only)
Judge Eugene Arthur Moore, Probate Court, Pontiac, Michigan (Orlando Only)
Jay Olson, Special Assistant to the Director, National Center on Child Abuse and Neglect, Children's Bureau, HEW, Washington, D.C. (Los Angeles Only)
Mary T. Previte, Superintendent, Camden County Children's Center, Lakeland, Blackwood, New Jersey
John M. Rector, Staff Director and Chief Counsel, United States Subcommittee to Investigate Juvenile Delinquency, Washington, D.C. (Orlando Only)
Alzo J. Reddick, Assistant Dean Of Students, Rollins College, Winterpark, Florida (Orlando Only)
Sue Titus Reid, Ph.D., J.D., University of Washington School of Law and American Sociological Association, Seattle, Washington (Orlando Only)
Captain William J. Riddle, Commanding Officer, Juvenile Division, Los Angeles Police Department, Los Angeles, California (Los Angeles Only)
Judge Dominick J. Salfi, Circuit Judge, Sanford, Florida (Orlando Only)
Peter Scharf, Ed.D., Programs in Social Ecology, University of California, Irvine, California
William C. Stephens, M.S.W., Smith-Stephens Associates, Justice Program Consultants, Oklahoma City, Oklahoma
Sgt. Joe Suarez, Gang Activities Section, Investigative Support Division, Los Angeles Police Department, Los Angeles, California (Los Angeles Only)
Thomas J. Tighinetti, Ph.D., J.D., Executive Director, S.O.S. Exceptional Youth Foundation, Inglewood, California
Captain Ralph J. Taylor, Commanding Officer, Gang Control Unit, Juvenile Aid Division, Philadelphia Police Department, Philadelphia, Pennsylvania (Orlando Only)
Anne Thompson, Prosecuting Attorney, Mercer County, Trenton, New Jersey
Michael Trauscht, Assistant District Attorney, Tucson, Arizona
Ernst Wenk, Director, National Council on Crime and Delinquency Research Center, Davis, California
Pearl West, Director and Board Chairman, California Youth Authority, Sacramento, California (Los Angeles Only)
John Van de Kamp, District Attorney, Los Angeles County, Los Angeles, California (Los Angeles Only)
Judge Ralph P. Zehler, Juvenile and Domestic Relations Court, Charlottesville, Virginia
Justice David Zenoff, Nevada Supreme Court, Carson City, Nevada

Ex-Moon Child
Juvenile Justice Consumers
LEAA Representative
National Association of School Counselors Representatives

Orlando Hyatt House
6375 Space Coast Highway
Kissimmee, Florida 32741
Phone (305) 846-4100

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Time & Date of Arrival

Children + Ages

Name

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City State Zip

Type of Accommodation Single $29 ☐ Double $35 ☐ (Children Under 18 Free.)

FOURTH NATIONAL JUVENILE JUSTICE CONFERENCE / MARCH 20-24, 1977

TIME & SPACE IS LIMITED
ACT NOW!

Mail To:

Fourth National Conference on Juvenile Justice
Post Office Box 8000
Reno, Nevada 89507

PLEASE PRINT

CONFERENCE REGISTRATION /ORLANDO

Please register the following persons for the Fourth National Conference on Juvenile Justice to be held on March 20-24, 1977 at the Hyatt House, Orlando, Florida.

Enclosed is a check for $ made payable to the National Council of Juvenile Court Judges.

Name (or names)

Address

City State Zip

Requests to bill registration fees through governmental units will be accommodated. LEAA money may be available to defray these costs.

CONFERENCE REGISTRATION FEE INCLUDES:
Lunches during Conference / Coffee each morning and afternoon / Tuition / All Materials including tape cassettes.

PRIMARY INTEREST AREA

- ☐ JUDGE, PROSECUTOR DEFENSE COUNSEL, ATTORNEY
- ☐ PROBATION, AFTERCARE, CORRECTIONS
- ☐ POLICE, SHERIFF
- ☐ EDUCATOR
- ☐ CHILD WELFARE
- ☐ PLANNER, LEGISLATOR
- ☐ OTHER

Los Angeles Bonaventure
5th & Figueroa Street
Los Angeles, California 90071
Phone: (213) 624-1000

HOTEL RESERVATION / LOS ANGELES

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I will share my room with

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City

Reservations subject to cancellation after 6 P.M. unless held by a deposit or guarantee of payment
☐ Please hold room on a payment guarantee basis. If the reservation is not honored on the day of arrival or is not cancelled before 6:00 P.M. on that day, the room will be billed for one night and then the reservation will be cancelled.

Type of Accommodation Single $29 ☐ Twin (2 Beds / 2 Persons) $39 ☐ Double (1 Bed / 2 Persons) $39 ☐

FOURTH NATIONAL JUVENILE JUSTICE CONFERENCE / FEBRUARY 6-10, 1977

TIME & SPACE IS LIMITED
ACT NOW!

Mail To:

Fourth National Conference on Juvenile Justice
Post Office Box 8000
Reno, Nevada 89507

PLEASE PRINT

CONFERENCE REGISTRATION / LOS ANGELES

Please register the following persons for the Fourth National Conference on Juvenile Justice to be held on February 6-10, 1977 at the Bonaventure Hotel, Los Angeles, Calif.

Enclosed is a check for $ made payable to the National Council of Juvenile Court Judges.

Name (or names)

Address

City State Zip

Requests to bill registration fees through governmental units will be accommodated. LEAA money may be available to defray these costs.

CONFERENCE REGISTRATION FEE INCLUDES:
Lunches during Conference / Coffee each morning and afternoon / Tuition / All Materials including tape cassettes.

PRIMARY INTEREST AREA

- ☐ JUDGE, PROSECUTOR DEFENSE COUNSEL, ATTORNEY
- ☐ PROBATION, AFTERCARE, CORRECTIONS
- ☐ POLICE, SHERIFF
- ☐ EDUCATOR
- ☐ CHILD WELFARE
- ☐ PLANNER, LEGISLATOR
- ☐ OTHER

NATIONAL COLLEGE OF DISTRICT ATTORNEYS
DRAFT ACADEMIC PROGRAM
1977 - 1978

1977		
June		
13-30	Career Prosecutor Course	Houston
July		
10-16	Executive Prosecutor Course	Houston
August		
None		
September		
19-20	Prosecutors Education Institute	Houston
October		
02-05	Fraud Against Elderly	Tampa
11-15	Organized Crime	Houston
25-29	Trial Techniques	Los Angeles
November		
13-16	Law Office Management	San Francisco
16-19	Trial of a Drug Case	El Paso
December		
04-09	Advanced Organized Crime	Ohio
1978		
January		
08-13	Prosecutors Office Administrator III	Houston
29-Feb.1	Major Fraud	San Diego
February		
12-15	Pre-Trial Problems	Denver
26-Mar.2	Organized Crime	Indianapolis
March		
12-17	Investigators School	To Be Announced
14-18	Trial Techniques	Chicago
April		
9-12	Crime Against Person	Orlando
23-28	Advanced Organized Crime	Dallas
May		
21-26	Prosecutors Office Administrator I	Houston
June		
12-23	Executive Prosecutor Course	Houston
July		
9-28	Career Prosecutor Course	Houston

BITS AND PIECES:

Saying that it was a "solemn action by a grateful people and their government", President Ford on September 29th signed into law the Public Safety Officers' Benefits Act of 1976 (H.R. 366; P.L. 94-430) that makes a benefit of $50,000 available to eligible survivors of law enforcement officers or fireman who are killed in the line of duty.

The Act applies to deaths or injuries occuring on or after September 29, 1976 to public officers "serving a public agency in an official capacity, with or without compensation". In addition, survivors of persons "involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws" may be eligible. As specified in the Act, "this includes, but is not limited to, police, corrections, probation, parole, and judicial officers".

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P.S. 109 Law Enforcement Officers were killed in 1976. Of these 93 were shot to death and 65 of those were committed with handguns and 13 of those killed with handguns were killed with their own weapons. The 1976 figures represent a decrease by 20 in the number of deaths of Law Enforcement personnel as compared to 1975.

****

ATTENTION!! The following letter was received concerning URESA actions filed with the Baltimore County Maryland State's Attorney Office.

January 13, 1977

Ronald W. Smith, Esquire
State Director, NDAA
Ryan Building
Havre, Montana 59501

RE: URESA CASES

Dear Mr. Smith:

Please be advised that effective July 1, 1977, the Baltimore County State's Attorney's Office will no longer be the agency designated to service and/or prosecute cases under the Uniform Reciprocal Enforcement of Support Act (URESA).

(Continued)

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(Continued)

Responsibility, under present statute, has moved, by election of this office, to the Attorney General of Maryland and/or his designee. At this time, there has been no one on the Attorney General's staff specifically designated. I would suggest inquires re future responsibility be made to:

Joel Rabin, Esquire
Assistant Attorney General
Department of Human Resources
1100 N. Eutaw Street
Baltimore, MD 21201

It is anticipated that all URESA cases presently being serviced by this office will be relinquished.

Kindly see that the above information is forwarded to all prosecuting offices in your jurisdiction so that they may be made aware of this change in sufficient time to properly forward URESA matters.

Sincerely,

Sandra A. O'Connor
State Attorney
For Baltimore County

SAO/HEM/vm

****

NEWS RELEASE — NATIONAL DISTRICT ATTORNEYS ASSOCIATION
211 East Chicago Ave. Suite 1515, Chicago, Ill

NATIONAL PROSECUTORS TO MAP FIGHT ON ECONOMIC CRIME

Roger Rook, President of the National District Attorneys Association, today revealed plans for a major forum on "White Collar Crime." The National Executive Forum on Economic Crime will convene in Los Angeles the week of November 27, 1977. Executives from government and private industry will meet with national experts from prosecution and law enforcement. Their mission: TO PROVIDE NEW DIRECTION IN THE BATTLE AGAINST ECONOMIC CRIME.

President Rook and his Economic Crime Committee Chairman, Prosecuting Attorney Robert F. Leonard of Flint, Michigan, gave voice to the outrage expressed by American citizens who are only now realizing the impact of the "40 billion dollar ripoff". According to Rook, "An estimated 40 billion is what economic crime costs our citizens every year --The elderly, minorities, the disadvantages--precisely those people who can least afford it. November 1977 is going to be an historic month. The

Los Angeles Forum is going to provide the leadership for a massive frontal attach on this national disgrace. Rook and Leonard pointed out that citizen frustration stems from a combination of injury and insult: "The American public now suffers the injury of economic losses, followed by the insult of seeing the "Executive Criminal" punished lightly if at all."

As spokesman for the National District Attorneys Association, Rook and Leonard cited the impressive beginning that has already been made. In the past three years, NDAA has coordinated a national effort in over 50 prosecutors' offices. This program has been responsible for handling over 125,000 inquiries and complaints, most of which were settled out of the courts. Those cases which went to trial resulted in more than 1,700 criminal convictions and civil judgements, with some 25 million dollars recovered in restitution and fines.

While acknowledging the success of this effort, President Rook explained that the NDAA has called for the Los Angeles Forum because no one else has teken the initiative in the fight against economic crime: "We have made a strong beginning, but much more must be done. We will educate the leaders of business and industry to recognize economic crime and initiate measures to prevent it. Economic crime will be met and conquered the day we remove any potential for profit from it. The Los Angeles Forum will show the way."

WELFARE CHEATERS TARGET OF 3,000 PROSECUTORS

President Roger Rook of the National District Attorneys Association and President Robert E. Neilson of the National Welfare Association announced today that the NDAA will act as secretariat for the NWFA. Robert L. Russel, Chairman of the NDAA Committee for Welfare Related Prosecution, expressed pleasure over this union of forces in the battle against welfare fraud. "The average American citizen," said Russel, "is furious over the blithe acceptance of welfare fraud. It isn't just a matter of a few small-time cheaters who remain on the dole longer than they should. The problem also involves a host of professionals who provide services to the indigent. Big time fraud--billions in fact."

Rook and Neilson voiced concern for the "real" victims, those who legitimately deserve welfare aid. "The pity of it is that those who need and deserve government assistance are precisely the ones being hurt most by the cheaters. By joining forces, the NDAA and the NWFA intend to do something about this sorry state of affairs, and soon. Deserving Americans should not be at the mercy of those who receive but do not deserve. There is going to be a real struggle in this country and we are determined to win it."

Both Presidents have urged the federal government to make more of its financial resources available for use by local agencies. According to Neilson: "If the elderly are being neglected in a public-supported nursing home, you obviously have a fraud case. But the evidence to prove it in court is not obvious--that takes a trained investigator." Neilson pointed to his own experience with the Department of Social and Health Services in the State of Washington. In the four years since Neilson has been Director of the Special Investigative Section for that Department, successful prosecutions are up from 110 per year to 1,000. He added: "The savings to the people of Washington State has been phenomenal. For every $1 spent, we are recovering $4.32."

Rook has asked that maximum emphasis be placed upon welfare fraud prosecution at the local level. He pointed out that there are over 3,000 district Attorney's offices throughout the United States: "Each of these prosecutors' offices is the primary resource for combatting welfare fraud. We are looking ahead to a day when there will be literally thousands of experts trained in the investigation and prosecution of welfare fraud cases. Our first priority is to coordinate investigators and prosecutors so that there won't be a state or county in the nation that is "safe" for welfare cheaters. Our ultimate objective is to instill in the American public respect for our welfare system."

****

LIBBY JURY CLEARS COUNTY ATTORNEY

A jury took only 45 minutes Wednesday to rule Lincoln County Atty. William A. Douglas innocent of a misdemeanor charge of official misconduct.

The four men and two women received the case at 3 p.m. after hearing attorneys' final arguments, and returned the verdict at 3:45 p.m. Testimony began on Tuesday.

The prosecutor would have faced removal from office if convicted. Douglas was accused of misconduct for failing to take any action against persons he allegedly saw smoking marijuana at an outdoor engagement party he attended in mid- 1975.

(Thursday, January, 1977)
Great Falls Tribune

CASE DIGEST:

IN MONTANA

STATE VS. BUCKLEY 33 St. Rptr. 1204 (Mt, 1976)

JURY
---INSTRUCTIONS
--WITHDRAWL OF

The court withdrew an instruction concerning mitigated deliberate homicide. This ruling may only be over-turned by the state's high court if it is found to be an abuse of discretion. The court determined that the instruction would only be proper if there was "any evidence" upon which the instruction could be founded; and, in this case, there was no such evidence.

EVIDENCE
---TESTIMONIAL
--USE OF DEFENDANT'S STATEMENTS OFFERED AT A PRE-TRIAL SUPPRESSION HEARING, TO IMPEACH ON CROSS-EXAMINATION AT TRIAL.

The high court adopted the rationale of HARRIS VS. NEW YORK 401 U. S. 222 and WALTER VS. UNITED STATES 347 U.S. 62, allowing such pre-trial statements when introduced during cross-examination at trial, in order to guard against perjured statements by the defendant.

EVIDENCE
---PHYSICAL
--USE OF POSTMORTEM PHOTOGRAPHS

The photos in this case were found not to have been unduly inflammatory and the court further noted that the probative value of the photos had been established at trial.

MOTION
--CHANGE OF VENUE

The defendant objected to the venue of trial based on undue prejudicial pre-trial publicity. In denying this allegation of error, the high court noted that the trial court performed an individual voir dire of each juror had any preconceived bias which would prevent them from being impartial; and, the court noted that this procedure was in comity with Montana precedent.

* * * * * *

STATE EX REL DEPARTMENT OF JUSTICE, ET AL VS. DISTRICT COURT 33 St. Rptr. 1242 (Mt., 1976)

MISCELLANEOUS
---IMMUNITY
--PROSECUTORIAL

"Article II. Section 18, 1972. Montana Constitution did not abolish prosecutorial immunity. When a prosecutor acts within the scope of his duties by filing and maintaining criminal charges he is absolutely immune from civil liability, regardless of negligence, or lack of probable cause." at 1245.

* * * * * *

STATE VS. FARNES

EVIDENCE
--MISCELLANEOUS
--SUFFICIENCY
--THEFT
--INTENT

The high court, citing STATE VS. COOPER 158 Montana, 102, 489 P2d 99 (Mt.,1971), held that the element of intent may be demonstrated by the use of circumstantial evidence.

EVIDENCE
--MISCELLANEOUS
--SUFFICIENCY
--THEFT

The court reiterated the rule that the jury is the sole judge of the weight to be given to testimony: and, if substantial evidence is found to support the verdict it will stand. (see STATE VS. WHITE 146 Mt. 226. 229, 405 P2d 701 (Mt.. 1965) In addition, the court stated that the defendant could be found guilty if she was aware that the horse had been stolen or if she was aware of a high probability that the horse was stolen.

EVIDENCE
--TESTIMONIAL
--HEARSAY
--EXCEPTIONS

The defendant also objected to the admission into evidence of the contents of a telephone call on the grounds of hearsay. The court agreed that this was indeed hearsay: but, found the call admissible because it was an integral part of the criminal transaction. (See also STATE VS. McCRACKEN 93 Montana 269. 18 P2d 302 (Mt., 1933)

ARREST, SEARCH AND SEIZURE: Warrantless Arrest: Public Place

The defendant was arrested in the vestibule of her house, without a warrant. The arresting officers maintained that this was not pursuit but the lower courts uniformly disagreed. However, the U.S. Supreme Court held that the arrest of the defendant, while standing in her doorway, was an arrest in a public area, for Fourth Amendment purposes. Reasoning that she was not in an area where she had any expectation of privacy and she was exposed to the public view, speech, hearing and touch as if she had been completely outside her house. UNITED STATES VS. SANTANA 96 S. Ct. 2406 (1976)

* * * * * * * *

CONSTITUTIONAL CHALLENGE: Due Process: In-State Institutional Transfer.

The Supreme Court Held that the Due Process Clause of the Fourteenth Admendment does not require a hearing in connection with the transfer of a state prisoner to another institution in the same state, even if the transfer results from the prisoner's misbehavior, or is disciplinary or punitive in nature. MONTANYE VS. HAYNES 96 S. Ct. 2543 (1976)

* * * * * * *

MISCELLANEOUS: Zoning Ordinance

The Court upheld two Detroit ordinances designed to avoid the growth of skid-row areas. The ordinances in question provided that an adult theatre may not be located within 1,000 feet of any two other "regulated uses" or within 500 feet of a residential area. The term " regulated uses" applied to ten different kinds of establishments including dance halls, adult book stores, and bars. YOUNG VS. AMERICAN MINI THEATERS, INC. 96 S. Ct. 2440 (1976)

* * * * * * *

CONSTITUTIONAL CHALLENGE: Due Process/Equal Protection

In this case the defendant had been tried before a non-lawyer polict court judge and was subject to a possible imprisonment, with a later trial available under the state's two-tier court system. The defendent challenged the proceeding by asserting that the non-lawyer judge hearing legal arguments was a due process violation. However, the court responded that the trial de novo afforded sufficient safeguards to obviate any due process infirmities.

The defendant also challenged the system on equal protection grounds, arguing that the courts involved had law-trained judges in some jurisdictions while other jurisdictions had the non-lawyer judges. The court noted that the system depended upon the classification of cities according to population and they found this system to be justified as long as the people within each classified area were treated equally. NORTH VS. RUSSELL 96 S. Ct. 2709 (1976)

CONSTITUTIONAL CHALLENGE: Business Records and the Fifth Amendment Privilege Against Self-Incrimination.

The defendant was acting as settlement attorney for the sale of certain real estate parcels and the business records which were obtained as a result of a search, authorized by warrant, related to these sales and contained statements made by the defendant. The court ruled that since these statements had been voluntarily made and the defendant was not called to verify authorship, there was no compulsion and thus no constitutional infirmities. ANDRESEN VS. STATE OF MARYLAND. 96 S. Ct. 2737 (1976)

* * * * * * *

POST CONVICTION: Habeas Corpus.

The defendant had raised a Fourth Amendment claim seeking the exclusion of certain evidence and the state courts had rejected the claim. The Supreme Court ruled that where a state provides an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained through an uncontitutional search and seizure was introduced at his trial. The instant holding is grounded upon the Court's conclusion that reconsideration of Fourth Amendment claims in a federal habeas corpus forum does little to further the primary purpose of deterrence inherent in the rationale for the exclusionary rule. STONE VS. POWELL 96 S. Ct. 3037 (1976)

* * * * * * *

ARREST, SEARCH AND SEIZURE: Border Searches

Ina prosecution for offenses related to the transportation of illegal aliens the High Court ruled that automobile stops at fixed check points for brief questioning, need not be based upon a reasonable belief that the auto contains illegal aliens. UNITED STATES VS. MARTINEZ-FUERTE 96 S. Ct. 3074 (1976)

* * * * * * *

ARREST, SEARCH AND SEIZURE: Routine Inventory Searches

Here the defendant's car had been impounded for multiple parking violations and following standard procedures the police inventoried the contents of the car and found marijuana in the glove compartment. Defendant's suppression motion was denied and he was convicted of possession. The Supreme Court held that the search was not unreasonable, noting that the expectation of privacy was less than that of a home for constitutional purposes. However, it was indicated that if the search were not part of a standard practice or there was evidence of an investigatory motive, the search may not have been validated. SOUTH DAKOTA VS. OPPERMAN 96 S. Ct. 3092 (1976)

* * * * * * *